



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

HARVEY B. BRELAND, MARSHALL B. §
BRELAND, §
Plaintiffs, §
§
vs. § CIVIL ACTION NO. 6:04-1529-HFF
§
USAA CASUALTY INSURANCE COMPANY §
§
Defendant. §

ORDER

This is an insurance action removed to this Court from the Greenville County Court of Common Pleas. Defendant removed the case based on the existence of diversity jurisdiction under 28 U.S.C. § 1332. On May 22, 2006, the Court, uncertain as to the citizenship of Defendant, ordered that a rule issue requiring the parties to show why the case should not be remanded to state court based on lack of subject-matter jurisdiction. Both parties have now responded to the rule.

Based on Defendant's representation, supported by affidavits, that it is a corporation organized and resident in the State of Texas, the Court finds that complete diversity exists here. While Plaintiffs raise questions as to the relationship between Defendant and United Services Automobile Association, the Court declines to examine the nature of that relationship at this time. If Plaintiffs believe that the Court's jurisdiction over the subject-matter of this case remains in doubt, these concerns should be brought before the Court by way of a motion filed under Fed. R. Civ. P. 12(b)(1).

Accordingly, **IT IS ORDERED** that the rule be discharged.

IT IS SO ORDERED.

Signed this 6th day of July, 2006, in Spartanburg, South Carolina.

s/Henry F. Floyd
UNITED STATES DISTRICT JUDGE